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The Nova Scotia Labour-Management Agreements Les conventions collectives en Nouvelle-Écosse

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Résumé de l'article

INTRODUCTION

Depuis 1962, il existe en Nouvelle Écosse un comité mixte patronal-ouvrier d'étude sur les problèmes de relations de travail. Notre objectif ici est de présenter ce comité en expliquant ses origines, en commentant ses réalisations, ses méthodes de travail et ses objectifs.

LES GOUVERNEMENTS ET LES RELATIONS DE TRAVAIL

A tous les niveaux, les gouvernements sont susceptibles de s'intéresser aux relations de travail pour les raisons suivantes :

- 1.—le maintien d'un climat et intervention en cas de crise ;
- 2.—l'établissement des politiques ;
- 3.—l'évolution de différents champs d'activité du gouvernement ;
- 4.—la syndicalisation des services publics ;
- 5.—l'influence sur la démocratie.

LA SIGNIFICATION DES ENTENTES

La première conférence dans cette province date du 20 novembre 1962. Depuis ce temps, on rencontre deux types d'attitudes de la part des praticiens et des étudiants en relations industrielles au sujet de cette expérience :

- 1.—une attitude plutôt indifférente ;
- 2.—une attitude plutôt romantique.

Cependant il faut reconnaître que ces accords produisent quelque chose de concret :

- 1.—l'engagement des hommes d'affaires dans la solution des problèmes ;
- 2.—des changements d'attitudes chez les partenaires à la négociation ;
- 3.—une contribution à la solution des principaux problèmes juridiques ;
- 4.—une influence dans les autres provinces canadiennes ;
- 5.—reconnaissance de l'existence du comité aux États-Unis et en Suède.

LA NOUVELLE APPROCHE DE 1962 : UN PEU D'HISTOIRE

Au début des années '60, il y avait un besoin réel de renouveau en relations de travail. Une série d'influences externes et internes amenèrent la formation du comité d'étude de 1962. Ces facteurs sont autant le désir de calmer la situation de tension existante à la fin des années '50 que la volonté de suivre le mouvement de renouveau propre au domaine du travail canadien.

LE COMITÉ D'ÉTUDE

Le comité mixte est composé de quatre représentants de chacun des deux partenaires et a comme mandat :

- 1.—d'identifier les problèmes et de présenter de nouvelles politiques ou pratiques dans le domaine des relations industrielles ;
- 2.—d'évaluer les conséquences du rapport McKinnon sur la législation ouvrière de la Nouvelle Écosse ;
- 3.—de conseiller l'institut de son rôle dans ce domaine.

QUELQUES FAITS

Passant de 8 à 16 membres dont deux de l'Institut des affaires publiques de l'université de Dalhousie, le comité débute en 1962 une tradition à savoir des conférences provinciales annuelles mixtes sur les problèmes du travail. C'est, à ces conférences :

- 1.—que les partenaires s'entendent sur des objectifs généraux ;
- 2.—qu'on s'accorde sur les implications juridiques ;
- 3.—qu'on s'entend sur les relations patronales-ouvrières internes ;
- 4.—que l'accent est mis sur l'information publique et l'éducation.

LES PATRONS, LES OUVRIERS ET LE GOUVERNEMENT

Les relations entre le comité et le gouvernement peuvent être classifiées en trois catégories :

- 1.—la communication est initiée par le comité ;
- Il s'agit d'un échange de correspondance débuté en 1963 entre le comité et le ministre du travail.
- 2.—la communication est initiée par le gouvernement ;
- Le gouvernement demande l'avis du comité en vue de solutionner des problèmes épineux tels le salaire minimum, les congés payés, les grèves sauvages et illégales.
- 3.—demande de la part du « Voluntary Planning Board » au comité mixte d'agir comme conseil consultatif patronal ouvrier.

CONCLUSION

Les six dernières années d'expérience en Nouvelle Écosse ont prouvé que les partenaires à la négociation collective sont capables de régler conjointement quelques-uns de leurs problèmes internes et d'améliorer leurs relations. Le comité a également pu faciliter le jeu des partenaires à l'intérieur du cadre juridique et ce en consultant le gouvernement.

The Nova Scotia Labour-Management Agreements

Guy Henson

The Nova Scotia Joint Labour-Management Study Committee was established in May 1962. The present paper will attempt to give an account of the Committee's origins, accomplishments to date, and present activities and objectives ; methods or processes of work and some assessment of its significance.

Introduction

In slightly over six years, since May 1962, the Nova Scotia Joint Labour-Management Study Committee has met some 80 times (that is, regularly once a month and sometimes oftener). It has sponsored six annual province-wide Study Conferences, broadly representative of employers and unions in Nova Scotia. The Joint Study Committee's recommendations to the yearly Conferences have formed the basis of a series of Nova Scotia Labour-Management Agreements adopted from 1962 down to the present.

The Joint Study Committee itself has, however, issued no manifestos or declarations of intent. It has carried on simply as a pragmatic working group. (The present speaker, as chairman, has refrained from speaking or writing, either on behalf of the Committee or in any attempt at personal recording or interpretation.) In 1965 and in early 1968, however, the Joint Study Committee supplied two statements at the request of the Voluntary Planning Board ⁽¹⁾ of the Province of Nova Scotia. The first such statement or report of the

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⁽¹⁾ The Voluntary Planning Board asked the Joint Study Committee in 1965 to act as a Labour-Management Advisory Council to the Board, and the Committee agreed so to act in a way incidental and subsidiary to its independent existence.

Joint Study Committee in 1965 began as follows :

« The Joint Labour-Management Study Committee was organized in early 1962 under the auspices of the Dalhousie University Institute of Public Affairs by leaders in labour and management to study whether there was some way to improve labour-management relations without in any way impairing the system of hard bargaining to reach collective agreement. »

Perhaps this dry and unglamorous sentence provides as apt a description as any of the nature and objectives of the Nova Scotia Joint Labour-Management Study Committee.

The present paper will attempt to give an account of (1) the Committee's origins, accomplishments to date, and present activities and objectives ; (2) methods or processes of work ; and (3) some assessment of its significance. First, however, one must undertake to relate such an account to the interests of public administrators in Canada.

Nature of the Public Administrator's Interest in Labour-Management Relations

The public administrator in Canada, at the several levels of government, is likely to interest himself in labour-management affairs because of considerations such as the following which influence him directly or indirectly in the discharge of his responsibilities : —

1) Government in Canada has a two-fold role in an area which, like marriage, has traditionnally been presumed to be best left to the parties themselves for their joint management and mutual accommodation. In the modern industrial democracy, the state provides at least a *minimal legal framework* for labour-management relations ; and it must hold a certain reserve power in the discharge of its responsibilities for law and order and for the economic and social well-being of the community. The concern of the state in this general area appears, in practice, to divide into two operating parts : (a) *the maintenance of a climate*, through law and policy instruments, which normally will provide the right conditions for the functioning of the two parties in their own and the public interest ; and (b) *the action to be taken in the event of crises*, and the kinds of policies which will reduce and, conceivably, eliminate crises.

2) The role of the worker and of organized labour, and the role of the employer and the organized employer interest, take on a special significance in the *strategy of policy making* and implementation based on sound planning information shared by interest groups as well as the

general public. (The processes of planning have come to be accepted in both the private and public sectors of the economy. It is relevant to note that private planning, in the modern corporation, preceded and has been carried to a much higher state of development than has public economic planning.) In more specific terms, the extent and nature of their organization (e.g., the strengths and weaknesses of each side), their attitudes and their degree of education, their self-concepts and their concepts of each other and of the state, and their interrelationships with each other and with the state are influential ingredients of economic planning in industrialized western societies.

3) The foregoing aspects of labour-management relations are the direct concern of a relatively few public administrators bearing a direct responsibility for public economic planning policy. Their ramifications are, however, coming rapidly to have an influence, indirect if not direct, upon an increasing number of Canadian public administrators at all levels of government. The way in which workers and employers, and their respective organizations on both sides, see themselves inter-related in the modern economy is, and will be, an influential factor in the evolution of numerous branches of governmental activity; for example, in welfare policies, the provision of various kinds of educational facilities, and the incidence of taxation.

4) The public administrator faces probably new-found responsibility in dealing with that form of labour organization which rather suddenly has flowed over from the historic battleground of private industry and business into his own department or public agency, with or without modification the full extent of which is as yet unknown; and in which he may find himself singularly unprepared and unpleasantly surprised.

5) Finally, the area of labour-management relations offers an interesting example, in current democratic theory and practice, of the interplay between the public official or administrator, fulfilling the responsibilities of the state, and the interested private parties exercising their rights and responsibilities in a field generally regarded as one in which voluntary action and the private interest should be dominant, at least in an immediate sense. Each specialization or discipline would tend to see this aspect of the democratic process according to its own terms: the political scientist, the economist, the lawyer, the sociologist and others would each have a particular perspective upon it. Relevant to it are the processes of communication, the methods of resolving social conflict, the uses of research, and the values of continuing education.

Some Indications of Significance of the Agreements

The first Nova Scotia Labour-Management Agreement was reached on Friday, November 20, 1962. The Canadian Press summary transmitted west of Montreal was some two column-inches in length, and it was buried in the interior of several central and western newspapers. What good, perhaps, could come out of Nazareth? Curiously enough, on the Monday following the Friday in question, the labour reporter of *The Globe and Mail* of Toronto got wind of the conference results and telephoned to Halifax for the facts and the background, which were proclaimed in the leading front page headline of his newspaper the next day. *The Globe and Mail* report had, of course, a suitable « local angle » relating it to the Ontario scene. Perhaps a precedent was set in Canadian journalism by a Toronto newspaper's giving its « lead story » to the outcome of a five-day-old conference in Halifax. It may be that, in the perplexed and stubborn area of labour-management relations, any new development has an element of newsworthiness.

Since 1962, two attitudes on the part of practitioners and students of industrial relations elsewhere toward the « Nova Scotia experiment » are discernible.

The hard-headed or hard-nosed group, or those of soft heart but somewhat disenchanted with *homo sapiens*, are inclined to dismiss the Nova Scotia Agreements as generalities and pious platitudes, not binding upon the parties, and of little significance to men at action stations in the grim realities of the economic front, including contract negotiations and occasional strikes. Indeed there is something to be said for their point of view. After six years, it remains to be seen whether, despite a certain definite influence in labour-management relations in Nova Scotia which can be sensed by those on the spot and, I believe, can be established objectively, the agreements will be carried forward by the two parties into specific ways of conducting their relations and also into structures which will stand the test of time. Certainly, whatever change and improvement the agreements have brought about in labour-management relations in Nova Scotia, the people who have worked them out and subscribed to them since 1962 would regard them and their own efforts as no more than a useful piece of unfinished business which requires unrelenting hard work and ingenuity for long-range results.

A second or romantic attitude towards the Agreements may also be noted. A number of people are always looking for easy answers to labour-management « co-operation ». No one involved in the Nova Scotia

Agreements, however, has suggested that they provide a panacea for the well-known human problems of modern industry. The objective of those involved is to take some first practical steps toward the improvement of labour-management relations, which they have confidence that they have taken, but not to eliminate strikes overnight or find easy solutions.

Despite the natural scepticism in some quarters, and apart from the brief splash of publicity in *The Globe and Mail* in November 1962, elsewhere at that time, and occasionally since, there is evidence that the efforts and leadership of the main body of those in labour and management in Nova Scotia which have produced the agreements are « zeroing in » on something fundamental in industrial relations at this time :

1) The first and foremost evidence is that some fifteen of the most responsible and hard-pressed entrepreneurs-managers and union officers in Nova Scotia have been meeting regularly each month since the beginnings in May 1962. As practical men, they must see the Joint Study Committee as important to their immediate tasks as well as to the economic development of the province. Likewise, attendance at the yearly Joint Labour-Management Study Conference has tended to increase on both sides rather than to decline.

2) In 1964, the Economic Council of Canada commissioned Dr. John Crispo, Director of the Industrial Relations Centre, University of Toronto, to make a first-hand examination of the Agreements and the processes underlying them. In his report he stated that he had come to Nova Scotia with considerable scepticism but had become convinced that the Agreements represented changes in substantial matters as well as in attitudes and understanding on the part of the two parties.

3) In the past six years the Nova Scotia Labour-Management Study Committee and yearly Study Conferences have themselves worked out at least tentative answers to each of the major problem areas of the Nova Scotia Trade Union Act as identified in the well-known report of Judge A. H. McKinnon, which he completed in 1962 after a two-year study conducted at the request of the Government of Nova Scotia.

4) Beginning with Manitoba in 1964, when the government of that province set up the Manitoba Labour-Management Review Committee under the chairmanship of Dr. H. D. Woods, five or six provinces have established, or appear to be in the process of establishing, labour-management committees as a direct or indirect result of the Nova Scotia initiative. Dr. Woods and the other members of the Manitoba committee

visited the third Nova Scotia Joint Study Conference in November 1964. Observers from other provinces and from Ottawa, as well as from national organizations, also attend each year.

5) It is of interest that a member of the National Labour Relations Board of the United States, in addressing the Minnesota Bar Association in August 1966, summarized the Nova Scotia Agreement or so-called « red book » on « Automation and Worker Displacement », which he included in his reference to several basic current documents on the impact of technological change upon industrial relations.

6) An experienced representative of Swedish industrial life stated to the second Conference, and repeated in 1967, this observation concerning the continuing work of the Nova Scotia Joint Labour-Management Study Committee and yearly Study Conferences :

« We in Sweden — and I include the president of the Confederation of employers, Mr. Kugelberg, and the president of the Confederation of trade unions, Mr. Geiger — we all believe that nothing is more encouraging in the labour market of North America today than what you are doing here. »

It would thus appear that the steps taken by labour and management in Nova Scotia, through the Joint Study Committee and the annual Joint Study Conference, have a significance to those, including public administrators, who are interested and involved in current developments in labour-management relations.

Background of the New Nova Scotia Labour-Management Approach in 1962

In the early 1960's, fresh approaches to labour-management relations were being sought by a considerable number of persons in North America. The social historian of the future will perhaps perceive that at this time, after several powers had acquired nuclear weapons and begun to penetrate outer space, some movement occurred toward co-existence and accommodation among classes as well as among nations. The entrepreneurial-managerial function and the role of organized workers in modern industrial societies of different kinds came to be seen in broader terms. The traditional capitalist and socialist programs, involving the destruction of hostile or obstructive elements, were being re-examined and modified ; indeed, to insert a personal view, they have become largely meaningless.

At any rate, in Canada as in the United States, special attention was being paid to the European labour-management experience, particularly in Scandinavia and in war-devastated countries. Some fresh element of interaction between labour and management was a recognized factor in the economic progress or renewal of these countries after 1945. The Canadian Government sent a Labour-Management-Government Commission to Europe in 1962; its members unanimously recommended that labour and management had much to learn from the European experience. *The Financial Post* discovered that Sweden had been practically strike-free since the late 1930's and commended the labour-management basic agreement of that supposedly socialist paradise to the study of Bay Street, St. James Street and all who would listen. The late President Kennedy convened White House conferences of leaders on both sides in industry. It was a time of fresh thinking whose fruits may as yet seem disappointing at this date late in the decade of the 1960's.

At that time the Nova Scotia Joint Labour-Management Study Committee came into being in Nova Scotia as a result of this fresh re-examination of labour-management relations and, also, of several specifically local influences.

The influence of certain general conditions in Nova Scotia may perhaps readily be recognized. First of all, there was the maturity of the organized labour movement in Nova Scotia, the earliest in Canada. The battles of industrial unionism were over in Eastern Nova Scotia at the time that the industrial unions were changing the face of labour-management relations in the 1930's in Ontario and other parts of Canada. By the same token, management response in Nova Scotia had begun to approximate that of European countries where bitterness and hostility toward unions had been replaced by a willingness to accept organized labour⁽²⁾ and a certain desire to find ways and means of co-existing for mutual benefit. Secondly, the hard necessities of a chronically lagging economy made unions and employers alike less able to enjoy the luxury of emotional recriminations and more willing to examine fresh approaches

(2) Reference may be made, for example, to the remarks of a leading Canadian industrialist, E. P. Taylor, to the annual meeting of the Canadian Chamber of Commerce in 1962 about the functions of unions and their acceptance by their employers. William Mahoney, Canadian Director of the United Steelworkers of America, spoke at about this time of the obsolescence of the strike, and both Claude Jodoin, President of the Canadian Labour Congress, and Mr. Mahoney made « offers » to lend labour organizers to help employers to organize effective national bodies for the improvement of collective bargaining in Canada.

which offered a hope of better wages, more jobs, greater productivity and more profits. Furthermore, perhaps it is not only the local patriot who will believe that the Nova Scotian civic sense and tradition, manifest early in the gaining of responsible government and in many other ways since then, despite economic decline, was a factor in making possible a meeting of minds between representatives of the two parties. Another identifiable factor was the influence of two university programs, in labour-management relations of the Institute of Public Affairs, Dalhousie University, and in labour education of St. Francis Xavier University, which had enabled, since the 1930's considerable numbers of key persons on both sides to take a broader, more informed and more detached point of view toward the social problems of modern industry.

Against this background of internal and external influences may be traced certain specific events leading to the formation of the Joint Labour-Management Study Committee in 1962.

Just previously, at the end of the 1950's, labour and management had probably their most serious confrontations of the post-war years in Nova Scotia. Actions bordering on violence occurred during the thirteen-month gypsum strike of that time, and several other strikes took place. Reflecting the climate of aggressive hostility between labour and management elsewhere in Canada and the United States, representatives of the two parties confronted each other before the Nova Scotia Government and Legislature with demands for conflicting sets of laws intended to contain and regulate the other party. Later, in 1964, in his report to the Economic Council of Canada, Dr. John Crispo identified the fruitlessness and frustrations of this somewhat acute period of labour-management dissension in Nova Scotia as a pre-condition of the subsequent willingness and ability of leaders on both sides to discuss their joint problems. In 1960, the Government of Nova Scotia had appointed a one-man « fact-finding body » to make a broad survey of labour legislation elsewhere and offer specific recommendations applicable to Nova Scotia. As an experienced conciliator in labour-management disputes, as well as an experienced legislator and Minister of Labour in a former government (of the party then in opposition), Judge A. H. McKinnon was expected to bring both impartial and expert qualities to the task. It was anticipated that he would report within a year ; in fact his report was made public in March 1962, after two years of investigation.

In Nova Scotia during this period (shortly before and after 1960), certain programs were bringing labour and management representatives into closer communication with one another. Reference may here be made

particularly to the activities of the Institute of Public Affairs of Dalhousie University. In 1958, at the first meeting of a reorganized « Dalhousie Labour-University Committee », the UMW representatives said that they wanted to meet with management people, and the whole Committee agreed. At about this time the Nova Scotia Branch of the Canadian Manufacturer's Association asked a labour representative to speak at one of its meetings. The next year, two management members spent a morning with some ninety delegates attending a week-long Dalhousie Labour Institute for the Atlantic Provinces. In programs conducted by the Institute, separate discussions by both management and labour representatives of problems of negotiating agreements, of living with agreements, and even of conduct of strikes indicated some degree of common ground and began to pave the way toward a direct two-way discussion. Likewise, the separate examination of problems of economic growth, full employment and minimum standards of living pointed toward a joint interest in these areas, as well as in such community needs as urban renewal. In 1959, a management conference on productivity, either the first or one of the first of its kind in Canada, included a recognition of the interest of organized labour in productivity. At this time, however, members of the Dalhousie Bureau of Industrial Relations, the management advisory group associated with the Institute of Public Affairs, still felt that they had not done enough « homework » to enable them to cope in joint meetings with the « professionals » of the labour movement.

In the spring of 1961, Thorbjorn Carlsson, then Swedish Labour Attache to Canada and the United States, came by invitation of the Institute of Public Affairs, to Halifax. What he had to say at a Dalhousie Labour Institute for the Atlantic Provinces, to a local service club, and to the news media made a profound impression upon many key persons and upon the interested public.

Judge McKinnon invited Carlsson to return to Halifax that summer for discussions related to his official study of labour legislation.

In his report ⁽⁹⁾ published in March 1962, Judge McKinnon recommended that the way to better labour-management relations is to be found, not in restrictive legislation imposed by either side upon the other, with varying success and probable reversals of fortune from time to time, but in « the ability and capacity of management-labour representatives

⁽⁹⁾ His Honour Judge Alexander H. McKinnon, *Report of Fact Finding Body Re Labour Legislation* (February 1, 1962): A report ordered by the Lieutenant Governor of Nova Scotia in Council, 1960. Halifax, N.S.

in this Province to mutually agree on a satisfactory method to guide their relationship to a major degree without statutory regulations and control ». If they failed to do so, « the alternative is more and more restrictive legislation to meet every demand and crisis until the conduct of management-labour relations is straight-jacketed in a code of laws . . . and true collective bargaining, which all labour enactments are intended to foster, will be wholly eliminated. »

The Nova Scotia Joint Labour-Management Study Committee

Judge McKinnon's major recommendation was received with obvious concern and interest by members of labour and of management in Nova Scotia. It had special meaning to the management and labour leaders associated with the two advisory bodies of the Institute of Public Affairs of Dalhousie and to Institute staff.

It appeared to provide a concrete instrument for the joint discussions toward which both parties have been moving for several years.

After Judge McKinnon's report was made public, initial efforts to get labour-management discussions under way failed. In particular, a plan, to establish a « committee of ten-and-ten », representative of major organizations on both sides, fell through because it proved unacceptable to one organization which felt it was not ready for this step. After further exploratory discussions, two key persons⁽⁴⁾ in the management and labour advisory bodies associated with the Institute met with the Institute Director to work out details of a plan to set up a committee of four-and-four, drawn essentially from these two bodies. The Institute's letter to these eight men invited them to be members of a « Joint Labour-Management Study Committee » with the following terms of reference :

- 1) to identify problems and to discuss possible new policies or practices in labour-management relations ;
- 2) to consider the implications of Judge McKinnon's recent report on labour legislation in Nova Scotia ; and
- 3) to advise the Institute concerning its role in this field.

(4) The late D. J. Gannon, Vice President, Canadian Labour Congress, and President, Halifax-Dartmouth District Labour Council, and R. G. Smith, President, National Sea Products, Ltd., and Chairman, at that time, Dalhousie Bureau of Industrial Relations. Both were Institute Board members.

No single interest or person dominates the economy or unions of Nova Scotia. The first eight members of the Joint Labour-Management Study Committee were fairly representative of the regions of the Province and of types of industry and of unions.

The starting point of the first meeting on May 31, 1962, was a report that a recent White House Labour-Management Conference had failed because of « too much formality and of too little time », both factors within our control. The point was made that discussions of recent years, together with Judge McKinnon's report, appeared to indicate that the time was ripe for a meeting of minds concerning areas of continuing conflict, areas of cooperation, and perhaps also public policies impinging upon common interests of the two parties. The underlying threat of government intervention was accepted by all. A frank and sometimes heated exchange took place about problems identified by each member in rotation, such as unfair labour practices and worker resistance to productivity.

All eight members of the group felt it essential to continue discussion of their problems and interests and, in continuing, to « explore each other's minds » and to see if it was possible to develop and maintain an atmosphere of respect. No one's point of view was to be forced upon anyone else. Progress could be made only through consensus. Meaningful consensus could be reached, through time, only by frank and honest exchange. Problems would be examined in turn in open-ended discussion without agenda. Problems with which difficulties were not reconcilable would be laid aside, perhaps for future exploration. All felt they had learned and gained something from the first meeting, that progress was possible, and that they were under obligation to persist. They decided to meet regularly ⁽⁶⁾ on the first Monday of each month, and they have continued to do so for six years down to the present time.

The early meetings were completely informal. Problems were selected for discussion in a spontaneous way from among the concerns expressed,

⁽⁶⁾ Several months after the first meeting of the Joint Study Committee, a new Institute staff member was asked to visit half a dozen industrial relations centres of leading universities in Canada and the United States. At each one he was informed that attempts to have joint meetings of labour and management representatives had been given up because such meetings had turned out in the past to be either « pink tea » affairs or productive of more discord than communication. In fact the first meeting of the Joint Study Committee was held in the early afternoon without anyone having the slightest idea whether it would break up after half an hour or last, as it did, for a full afternoon.

in turn, by members of the group. It was, and remains, a ground rule that members of the group would not report, and would not be quoted, outside the Joint Committee about problems under exploration. In this way members were free to take and later modify positions. Each member could bring forward facts as he saw them for objective discussion by the group. Feelings and attitudes came to the surface in an unpressured atmosphere and a non-structured process. Thus the Joint Study Committee members had great freedom of expression and were able to measure the depth of problems and one another's views.

Progress seemed to come after intensive and normally heated discussions bearing fruit over a period of time rather than immediately. An essential fact is that the attitudes of members on each side did not have a monolithic solidity; indeed, it was the variety of views and insights on each side which made progress possible toward a meeting of minds in situation after situation. It did prove possible to maintain an atmosphere of respect and develop a degree of trust. This atmosphere has enabled the members of the Joint Study Committee to move forward during the initial months and over period of years, through creative discussions characterized at the same time by both an adversary process and by the search for areas of workable agreement or consensus which can underly labour-management relations in an industrial democracy. As a working group enlarged and occasionally changing in membership, the Joint Study Committee was able to reach a high level of communication about common problems and interests.

At first the Joint Study Committee had neither agenda nor minutes. After eight months it was decided that informal notes of each meeting should be kept. For nearly two years the group preferred to meet without having an agenda. Only in the spring of 1968, after six years, was it agreed that the notes of each meeting should be circulated by mail to all members. These changes in procedure, and the use of a small « steering committee », have marked the progression of the Joint Study Committee from its initial role of study or exploration to one of active responsibility in a major area of provincial community life.

No public announcement was made when the Joint Labour-Management Study Committee members met for their first several meetings. The labour members reported the existence of the Joint Study Committee to the Executive of the Nova Scotia Federation of Labour about a month after the first meeting was held. In September, the officers' report to the Nova Scotia Federation of Labour included a favorable reference to the

existence of the Joint Study Committee. While some criticisms and misgivings were expressed, the convention adopted the officers' report. Subsequently the Federation appointed its members on the Joint Labour-Management Study Committee as a Federation committee on labour-management relations which reports each year to the convention. The Joint Study Committee includes also one representative of District 26, United Mine Workers of America. By contrast the employer members of the Joint Study Committee continue to act as individuals unrelated in a formal way to employer organizations, although in fact they are representative and influential members of the principal employer organizations. This aspect of the Committee's functioning is a matter of later consideration in this paper.

After four months (May-September 1962) the Joint Study Committee members felt that they had made enough progress in their own thinking and communication, and had found enough common ground, to warrant the holding of a « Joint Labour-Management Study Conference » representative of employers and unions throughout Nova Scotia. They asked the Institute of Public Affairs of Dalhousie to convene such a conference in November 1962.

Essential Facts Concerning the Nova Scotia Labour-Management Agreements, the Work of the Nova Scotia Joint Labour-Management Study Committee, and the Six Annual Joint Labour-Management Study Conferences from 1962 to 1967, inclusive

The first Joint-Labour-Management Study Conference met on November 20 and 21, 1962, under sponsorship of the Joint Labour-Management Study Committee and at the invitation of the Institute of Public Affairs, Dalhousie University. The Conference was attended by 54 persons about equally divided between labour and management, and seven others from interested private and public bodies. It brought together senior representatives of companies employing 25,000 workers and leaders of labour organizations having about 35,000 members in Nova Scotia. (The total number of workers belonging to unions in Nova Scotia at that time was somewhat in excess of 40,000.)

The discussions of the first day and a half enable the members of the Joint Labour-Management Study Committee to meet at noon on the second day and draft a « Six-Point Labour-Management Agreement » which was presented to the Joint Study Conference on the concluding afternoon. Management and labour groups then caucussed separately

and reported their approval to the closing session of the Conference. Subsequently, the First Agreement was circulated by the Joint Study Committee members to key organizations on both sides in the province (e.g., the Nova Scotia Branch, Canadian Manufacturers' Association, the Halifax-Dartmouth Construction Association, the Boards of Trade, several fishing industry organizations, and the Nova Scotia Federation of Labour, and the officers of District 26, United Mine Workers of America.) All these key organizations endorsed the First Agreement.

The First Agreement represented a breakthrough in three directions.

First, and symbolic of a new approach, was the adoption of the « moratorium » proposed by Judge McKinnon in an opening address to the Study Conference: « . . . we recommend to our respective groups and organizations that both management and union groups declare a moratorium on further appeals to the Legislature for amendments to the Nova Scotia Trade Union Act until all approaches to closer union-management action have been examined. » (It is essential to understand that this was a moratorium on separate appeals by labour and management to the Legislature, for it was not and could in no sense be a moratorium on action initiated by the Government. The Government did, however, indicate that it did not propose to initiate changes in the Nova Scotia Trade Union Act without consultation with the Joint Labour-Management Study Committee. Later, channels of labour-management-government communication were opened, as noted below.)

More than anything else, the self-imposed moratorium dramatized within Nova Scotia, and outside it, the fresh approach being undertaken by labour and management to their common problems.

After this form of truce, treaty-making began. Secondly, came a sort of declaration of mutual acceptance. Management as well as labour « recognize the right of all workers to organize for collective bargaining and recognize the contribution that organized labour can make to the economy », and « management condemns instances of unfair labour practices when employees are seeking to organize . . . » On their part, « the union representatives recognize that management is entitled to a fair return on its investment ». These two simple statements are pregnant with meaning, in the light of the historic labour-management relationship since the Industrial Revolution. Not least significant, but easily overlooked, was the agreement of management to « recognize the contribution that organized labour can make to the economy ».

Thirdly, came the Agreement that the Joint Labour-Management Study Committee be enlarged and that it « see if it is possible to arrive at a basic agreement which will outline the scope within which their future relationships will be contained and consider other matters of common concern. »

Under these sailing-orders, the Joint Labour-Management Study Committee was enlarged in early 1963 to seven-and-seven plus two Institute representatives. It sought to establish goals and priorities. Since then it has worked in a variety of areas, sometimes as a whole group and increasingly through subcommittees. It has sponsored a yearly conference held in November. (The attendance of some 50 from each side together with 30 observers in November 1967 was the largest to date.) Perhaps the activities of the Joint Labour-Management Study Committee and the annual province-wide Joint Study Conference can be classified under the following headings:

- (1) Agreement on General Objectives
- (2) Agreements on Legislative Issues
- (3) Agreements on Internal Labour-Management Relations
- (4) Public Information and Education.

Each of these areas of activity will next be dealt with in turn:

AGREEMENT ON GENERAL OBJECTIVES

Following on from what might be termed the declaration of mutual acceptance in the First Agreement, the Second Agreement began with a general declaration:

Preamble and Statement of Purpose

« The Labour-Management Study Committee of the Institute of Public Affairs, Dalhousie University, predicates its activities on the belief that *joint, voluntary, active* cooperation between labour and management will bring the respect and understanding required for the achievement of Committee objectives.

« The purpose of the Labour-Management Study Committee is :

« To promote a sound and harmonious relationship between Employers and Unions and the employees they represent.

« To create and maintain an atmosphere that will be conducive to retaining present industry in Nova Scotia and to the encouragement of new industries.

« To seek out fair and reasonable guideposts and procedures for the continuance of free collective bargaining.

« To keep to a minimum restrictive legislation in the province.

« To seek to promote the industrialization of the province, recognizing that employers have the right to operate and manage the business and that they are entitled to a profit, a quality product and a good competitive position ; and recognizing, on the other hand, that employees have the right to organize, to a fair and reasonable return for their labours, to safe working conditions and to improved stability of employment. »

AGREEMENTS ON LEGISLATIVE ISSUES

Had anyone forecast six or seven years ago that labour and management representatives could come together in Nova Scotia, or in any province or state to the south, and reach agreement, or at least tentative agreement, about the major problem areas of the Trade Union Act, he would have been considered a very rash man. Yet, in Nova Scotia, the Joint Study Committee and Conferences have been able to find common ground in the major problem areas identified by Judge McKinnon in his 1962 report. In general, the Government and Legislature have seen fit to accept these Agreements in principle and to enact amendments in terms appropriate from their point of view.

It must be emphasized that the Joint Study Committee agreed from the very beginning on the principle of constant review of the results of experience under any legislative change proposed to the public authorities. It will be understood that complete unanimity could not be reached in every case in the bipartite and subsequent tripartite discussions. The Joint Study Committee has regarded each change requested by it as the best useful step forward that could be taken in the light of knowledge of the situation at a given time, but it has not sought to clothe these changes with certainty and finality. At the same time because each change has not been recommended lightly, it will not be reopened easily, but it is subject to re-examination in the light of facts put forward by either party.

To be specific, the Joint Labour-Management Committee started working in 1963, soon after the first agreement, on problem areas of the Nova Scotia Trade Union Act, most but not all of which had been identified by Judge McKinnon. His recommendations, and information and views provided by officials of the Nova Scotia Department of Labour, who welcomed the movement towards the establishment of the Joint Study Committee and cooperated fully, were most useful to the committee members in working on legislative issues.

The Second Agreement (November 1963) embodied labour-management consensus on:

- 1) new procedures for dealing with unfair labour practices;
- 2) the right of an employer to communicate with employees under specific conditions at the time of organization;
- 3) the legality of the elective union shop when negotiated;
- 4) new conciliation procedures (requiring both parties to request the Minister for a conciliation board and, if no conciliation board is appointed, providing for 21 days after receipt of a conciliation officer's report before a strike or lockout may be called).

The last change was intended to do away with a tendency for the two parties to go through no more than « a minuet » or pretence of collective bargaining until one or the other asked the Minister of Labour to appoint a conciliation board. Previously, either party could take the initiative towards having a conciliation board appointed. The intent of the new conciliation procedure is to restore to both parties in the collective bargaining unit the sense of full responsibility, from the beginning, for collective bargaining.

The second agreement also provided, as noted earlier, for an annual review of the results of all recommendations endorsed by the Joint Study Committee and the Joint Study Conference with a view to recommendation by the Joint Study Committee of improvements when found necessary in the light of experience.

Interesting as these specific changes may be to the industrial relations specialist, space does not permit a detailed treatment of each in this paper.

The following process of seeking to bring about a change in the Nova Scotia Trade Union Act was adopted in 1963 after the Joint Study Committee members themselves were able to reach agreement on a concrete item:

- 1) The Joint Study Committee presents, to the yearly Nova Scotia Joint Labour-Management Study Conference, its recommendation about a change or series of changes.

- 2) Given agreement by the Annual Conference, the Joint Study Committee members then circulate the text of the agreed change to the appropriate management and labour organizations in the province.

3) Given endorsement by these organizations (which has been forthcoming in each case to date), the Joint Study Committee members then prepare a brief for submission to the Government and wait upon the Government for detailed discussion. (Latterly, since the process has become established and accepted, the Joint Study Committee has communicated with the Minister of Labour.)

4) As it deems appropriate, the Government authorizes the drafting of an amendment for introduction in the House. The resulting Bill may or may not be discussed with the Joint Study Committee prior to introduction and most frequently it has not been so discussed. It will be understood that the Government, in the exercise of its responsibility, and at its discretion, deals flexibly with the matter under consideration in the preparation of the amendment.

5) After introduction of the amendment in the House, in one or two cases further discussions have been initiated by the Joint Study Committee members with Government representatives and certain modifications have come about.

6) The legislative process itself includes, of course, the expression of the views of all interested among the general public, either by direct representation to the appropriate Committee of the House or through speeches of Members of the Legislature.

Close communication with the Deputy Minister of Labour, or departmental officials designated by him, is maintained throughout the process, beginning with the initial discussion of a specific matter in the Joint Study Committee. Communication with the Deputy Minister of the Department of Labour has been formalized through a Legislative Sub-Committee of the Joint Study Committee. He has met frequently with the Joint Study Committee, which has recently invited him to attend its meetings regularly.

The Government of Nova Scotia has itself initiated certain changes in labour legislation and consulted the Joint Labour-Management Study Committee about these changes. In such cases, the circumstances and the processes are naturally quite different from those described above. They will be dealt with later on.

The Third Agreement (1964) recommended consideration of changes in the Nova Scotia Trade Union Act with respect to:

- 1) « Successor rights » for the union in the event of a change in the ownership of a company or of certain of its assets;

- 2) Union dues upon application for certification;
- 3) Section 68 to give effect to the principle of full collective bargaining with respect to « employees of any board, commission or similar body . . . » (i.e., of the Provincial Government), following consultation between a labour sub-committee of the Joint Study Committee and the Government regarding this matter.

The Fourth Agreement (1965) dealt with other than legislative matters and, therefore, did not recommend change in the Nova Scotia Trade Union Act.

The Fifth Agreement (1966) began with a statement reflecting the thorny difficulties experienced by the Joint Labour-Management Committee after consultation initiated by the Government with respect to regulations under a new Minimum Wage Act which provided certain generalized minimum labour standards initiated by the Government. The Fifth Agreement re-confirmed that « the moratorium with respect to separate approaches to Government applied only to the Nova Scotia Trade Union Act. In this way, the Joint Study Committee and the Joint Study Conference expressed a decision not to extend the moratorium beyond the Nova Scotia Trade Union Act to labour standards and other labour legislation.

The Fifth Agreement made also two recommendations with respect to the Nova Scotia Trade Union Act:

- 1) A change in Section 8 providing that the Nova Scotia Labour Relations Board not be required to apply that section « where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made. » (In other words, the former mandatory clause was changed to give the Board discretionary power.)
- 2) « . . . that municipal policemen be given full collective bargaining rights but that any legislation covering this should embody a principle that will ensure that law and order is preserved. »

The Sixth Agreement (1967) did not propose new legislative change but referred the still pending matter of the status of municipal police to the Joint Study Committee in the light of the Agreement of the previous year. It should be noted that the single subject of legislative change recommended by Judge McKinnon which has not been acted upon as yet is that of the status of municipal policemen. The matter of bargaining rights for

municipal policemen is still under study by the Government, and communication among all the parties interested is still in process.

What can be said here, briefly in review, of the legislative changes agreed upon and in general effected as a result of the work of the Nova Scotia Joint Labour-Management Study Committee during the past six years? First, the changes have been intended to put more responsibility upon the two parties in the collective bargaining unit. Secondly, it is probably true that both management and labour in Nova Scotia feel they have an Act which they can live with for practical purposes at the present time. Thirdly, the parties have now, in the Joint Study Committee and yearly Conference, a vehicle for communication about imperfections or problem areas of the Act. Fourthly, they have an open channel for reciprocal communication with government about the Act.

AGREEMENTS ON INTERNAL LABOUR-MANAGEMENT RELATIONS

In the psychology of the situation in 1962 and since, the Nova Scotia Trade Union Act and certain other labour legislation had a dominant significance to the Joint Study Committee members, because such laws have provided a traditional public battleground of labour and management. Their work on the Trade Union Act tested whether or not operational and ideological differences between labour and management in Nova Scotia were insuperable obstacles to communication and joint effort. The problems identified by Judge McKinnon, and other legislative problems as given priority by the Joint Study Committee members, had to be in the forefront of their attention in 1962 and subsequently.

Necessary as this preoccupation of the Joint Study Committee and Conferences with legislation has been, paradoxically it has prevented their full concentration as yet upon the first objective recommended by Judge McKinnon and adopted by themselves: namely, « to see if it is possible to arrive at a basic agreement which will outline the scope within which their future relationships will be contained and consider other matters of common concern. »

Nevertheless, from the beginning the Joint Study Committee members have addressed themselves to this as their major task. From the first, after 1962, they recognized the validity of the principles and practices under the Swedish « basic agreement » but they deemed it impractical to take the Swedish or other European « basic agreement » as a model for purposes of literal imitation. The obvious and not so obvious differ-

ences between Nova Scotia and Sweden, for example, are too great: a unitary state by contrast with a province in a federal state; national patterns of unionization and ownership in Sweden by contrast with the prevalence of large external unions, international and national, and of external ownership, international and national; social homogeneity by contrast with diversity; the high degree of unionization by contrast with the uneven degree of unionization in Nova Scotia, by regions and by industries; and, by no means least important, the strength of employer organization for collective bargaining by contrast with the general absence of employer organizations for this specific purpose in Nova Scotia.

After 1962, and still, the Joint Study Committee and Conferences have taken the objective of developing « a code of principles and practices » in labour-management relations as distinct from an operational basic agreement of the Swedish type. In the past two or three years, however, increasing attention is being paid to machinery or structures which might be developed for purposes of collective bargaining, on a geographical, industry or other basis, in Nova Scotia. Possibilities of employer organization have been explored and are still receiving consideration. In fact, the principles adopted and actions taken so far in Nova Scotia (as outlined below as well as earlier in this paper) can add up to the solid first parts of a basic agreement now being worked out under Nova Scotian conditions.

Certain important specific steps have been taken for the improvement of direct, internal labour-management relations (as distinct from legislative problems).

Agreement on Automation and Worker Displacement

One of the most notable is the « red book » or Agreement on *Automation and Worker Displacement: Part I, The Impact of Change Within a Company: and Part II, The Impact of Change Within a Community*, which was adopted in 1964, 1965, and 1966. The origin of this Agreement is illuminating. According to their own statements, the First Agreement made possible better communication between senior labour and management representatives in a major Nova Scotian paper mill. They formulated an approach to the problems of automation and worker displacement within their own situation, and later they carried it to the Eastern Canada Newsprint Group. A joint resolution of that body on the subject was endorsed subsequently by the Nova Scotia Joint Labour-Management Study Committee and Conference. A suggestion came from the Nova Scotia Government that the Joint Study Committee consider

further intensive study of the matter. The Joint Study Committee appointed a subcommittee, including representatives of labour and management, the Department of Labour and the Institute of Public Affairs, for the purpose. The resulting « red book » or Agreement⁽⁶⁾ has been adopted in whole or in part in certain enterprises and has been a useful influence in other collective agreements in Nova Scotia. It has been widely quoted and discussed elsewhere in Canada and in the United States. It can be regarded as one of the seminal and pioneering statements in North America on problems of accelerating technological change and it has come from experience within industry itself.

Employer Conferences

At first, after 1962, labour's concern was with legislation, and legislative items still loom large in their perspective. Management's concern was less with laws and more with getting on with the tasks of production and the operation of the enterprise.

After the special attention paid during the first two or three years by the Joint Study Committee to problems under the Nova Scotia Trade Union Act and at about the time of adoption of the « red book » on automation and worker displacement, the employers subscribing to the Agreements began to respond to the legislative problems identified by labour with some special demands of their own. Interest was being expressed in province-wide, industry-wide or other organization of em-

⁽⁶⁾ A member of the United States National Labour Relations Board, in speaking to the Minnesota Bar Association, selected certain aspects of the Nova Scotia Agreement on Worker Displacement for special attention as follows, according to the *AFL-CLO NEWS* of August 20, 1966 :

« The Automation Code emphasizes advance planning and consultation between labor and management on all projects which are liable to result in displacement. With this advance planning, a personnel plan can be drawn up to match the capital spending plan.

« Immediate steps are begun to absorb men elsewhere who may not be needed ; internal transfers are undertaken with every man affected considered individually and 'in some cases five or six moves (are) made to look after one man whose job is vanishing, but with careful planning everyone concerned may benefit'; others receive retraining on the job or as supernumerary learners, and in severe displacement, early retirement of men approaching retirement age, relocation for younger men or transfers to other units of the company are undertaken. »

ployers for more effective collective bargaining. For the first time, in July 1966, the employer members of the Joint Study Committee met as a group to review results at that point and to chart their future course. They asked the Institute of Public Affairs to convene a conference of all employers subscribing to the Agreements. The first such conference, in the fall of 1966, debated the merits of immediate employer organization in Nova Scotia for collective bargaining purposes. The employer members of the Joint Study Committee emphasized that they felt at a disadvantage, and « out on a limb », in speaking for employers in the absence of an employer organization appointing and guiding them. Full confidence was expressed in the employer members of the Joint Study Committee by those present. No action was taken, however, and it was decided to hold three more meetings during the following twelve months. The setting up of an employer organization is still being considered. The fourth meeting, in October 1967, was given to a day's discussion with Matts Larssen, President of the Swedish Metal Workers Employers Association. At present it would appear that some employers and some union representatives in Nova Scotia are coming to the view that collective bargaining on an individual plant or enterprise basis (especially in smaller establishments) is obsolescent and that new structures for groups bargaining should be set up, whilst others on both sides appear to prefer the present system of bargaining within an individual plant or enterprise. Industry bargaining is now taking place in construction in the Halifax and Sydney areas, and some steps are being taken towards consolidating and extending the geographical base of construction industry bargaining.

The series of employer conferences, in 1966-67, did, however, have certain definite outcomes. They enabled employers subscribing to the Agreements to respond to problems brought forward by labour with certain problems experienced by themselves. At a meeting of the Joint Study Committee in early 1967, an employer spokesman introduced five matters of concern identified during the series of employer conferences. The labour representatives indicated that they were prepared to accept these problems for purposes of discussion. In general, they related to stability of relationships, productivity, and predictability of costs from the employer's point of view during the life of the agreement. Certain of the problems in question then became part of the active agenda of the Joint Study Committee.

Negotiating and Living with the Agreement

Since 1962, the Joint Study Committee and the yearly Conferences have given considerable attention to the processes and problems of labour

and management in negotiating the agreement and in living with the agreement. The matter of procedures and guidelines in negotiating the agreement have been examined and clarified in discussions from time to time, although no concrete forms of agreement have resulted as yet. Grievance has received and is receiving special attention, particularly in relation to « wildcat » strikes in the construction industry.

Strikes, Injunctions

Attitudes and specific views have been exchanged with respect to other major and minor operating relationships of labour and management within the enterprise. The 1966 Conference gave a central place to treatment by a panel and general discussion of injunctions; as a result, the legal facts and attitudes on both sides towards the uses and abuses of injunctions appear to have been clarified in a useful way. Working groups during the Sixth Joint Study Conference (1967) gave nearly a whole day to a discussion of strikes.

Productivity

A day was given to working group discussion of productivity during the 1967 Conference. The reports appeared to indicate that labour and management in Nova Scotia, as has come about in Sweden are nearing the point that productivity can be identified as an area of common interest and cooperation, given the approach to technological change and worker displacement embodied in the « red book » Agreement and certain other related approaches. Both parties have a sense of urgency about regional economic improvement, for which higher productivity is an obvious necessity. Recently the Joint Study Committee has established a new sub-committee on productivity, which in time may have an importance comparable to that of the earlier sub-committee on automation and worker displacement.

The identification by Swedish unions and employers of separate areas of conflict (e.g., wages and working conditions) and areas of common interest and cooperation has been useful in the Joint Study Committee's attack on problems. Matters of public policy for the promotion of economic growth, regional development and full employment (in concrete terms, more jobs, higher wages, greater purchasing power) appear to be an area of joint interest in which sometimes common and sometimes divergent approaches are taken by the two sides.

Industrial Disputes

What has been the general effect of the efforts of the Joint Study Committee and the yearly Conferences? What concrete results have come from the Agreements on legislative difficulties and on certain internal working relationships and from the discussions of the vital joint operating interests of both parties? The whole program appears to have made possible a period of unprecedented industrial peace and stability in Nova Scotia after the First Agreement of 1962. The Fourth Joint Labour-Management Study Conference (November 1965) received from the Nova Scotia Department of Labour statistical information showing that from 1961-62 to 1964-65 the number of conciliation boards in Nova Scotia had dropped from 26 to 2, and the number of man-days lost through work stoppages had declined from 3.6% of the Canadian total (that is, from a rate about in line with the experience for Canada as a whole) to 5% or about one-seventh of the average, for Canada as a whole; in absolute terms, the figure for Nova Scotia itself had declined progressively each year to a point midway between one-fifth and one-sixth of the earlier figure.

While being extremely cautious in interpreting these figures for a brief period of years, both labour and management speakers at the conference expressed satisfaction with such evidences that collective bargaining is taking place, as desired, more effectively between labour and management in the individual bargaining units where responsibility ought to belong, and with full recognition by each of the position of the other side. (Of course, some critics may say that this record indicates softness on the part of management or of labour in Nova Scotia as a result of the Agreements, but such criticism seems not to be put forward or taken seriously by the main body of those speaking for each side in Nova Scotia.)

By contrast with the period of industrial peace in Nova Scotia for several years from 1962 to 1966, the number of industrial disputes, including both legal strikes and illegal strikes, particularly in 1967, has thrust certain issues before the Joint Study Committee and the Joint Conference.

In a review⁽⁷⁾ presented to the Fifth Nova Scotia Labour-Management Study Conference (November 1966), the Deputy Minister of Labour

⁽⁷⁾ The Fifth Nova Scotia Labour-Management Agreement (Halifax, N. S., Institute of Public Affairs, Dalhousie University, 1966) p. 17.

stated:

« Although the incidence of unofficial work stoppages has increased in Nova Scotia, and we are concerned about this, nevertheless we have experienced a relatively good year, as far as man-days lost is concerned. The number of legal strikes is still at a low level, . . . »

A year later he stated that during the six-month period from April 1 to September 30, 1967, « we had more time loss in man-working days than we had for the whole of the last fiscal year, almost three times more than the previous fiscal year, and six times more than the one preceding that. » The analysis shows, however, that 29 of 34 work stoppages in 1966-67 were « wildcat » strikes, one half of which occurred in a particular construction project. Again, in the first six months of 1967, three-quarters of the time lost in the construction industry occurred at the same construction project. The illegal work stoppages at this project became the subject of a report by an « Industrial Inquiry Commission » appointed by the Province. Apart from this sore spot, the Nova Scotia economy was not exempt from the problems which characterized industrial relations throughout Canada and elsewhere in 1967. Nevertheless, those on both sides continued to express confidence in the Agreements and in the process of labour-management communication through the Joint Study Committee and the yearly Conferences as having brought about substantial continuing improvement in relationships in Nova Scotia and as holding the key to their further improvement.

In early 1967, the Joint Study Committee appointed three sub-committees on strikes (conduct of the legal strikes, the unauthorized or illegal strike, and strikes in essential services and industries). The first day of the Sixth Conference (November 1967) was given to a discussion of their reports. While the acute problems were to be found mostly in new construction and new industries commencing production, and while improvement since 1962 in relations between labour and management in Nova Scotia was taken for a basic fact, the problems in Nova Scotia, as elsewhere, were regarded as serious to the point of requiring immediate attention.

The Sixth Joint Study Conference authorized the Joint Study Committee to take the following three steps:

1. Recognizing the imminence of government intervention in Nova Scotia under conditions and influences prevalent in Canada and the United States, to pursue the possibility of labour-management action to develop two forms of acceptable voluntary third party

- action: (a) the setting up on a « voluntary internal arbitration system »; and (b) the use of « within industry teams » which might be a device or resource available to labour and management experiencing acute problems within a given enterprise. Such resources to be supplementary to, but in no sense to replace, the conciliation and other services and instruments of government. The initial emphasis to be upon use of these new resources by the two parties when experiencing problems during the life of the collective agreement.
2. To establish channels of communication with new industries and construction firms entering Nova Scotia for the purpose of giving them information about the Nova Scotia Labour-Management Agreements and about desirable and undesirable experiences in major construction projects and new plants commencing production.
 3. The Joint Study Committee to meet on a rotating basis in various regions of the province and at the same time to hold regional conferences with labour and management representatives.

The Joint Study Committee set up earlier this year (1968) a special sub-committee on developing the new internal resources for use by labour and management under 1. above. This sub-committee has made initial progress reports to the Joint Study Committee and has gone a considerable way in thinking through the approach to its tasks. It is putting the emphasis on ways in which both types of resources can be used for the settlement of disputes during the life of the contract. Special attention is being given to improving arbitration and to strengthening confidence in arbitration for life-of-contract disputes.

Under 3. above, the first regional labour-management study conference was held in Cape Breton Island in early July 1968. The president of the Sydney Board of Trade and the representative of the Canadian Labour Congress, together with the chairman of the Joint Study Committee, planned an afternoon-and-evening Conference at Sydney which was attended by some 35 representatives from each side and a number of observers. The Regional Conference decided to establish a « Cape Breton Sub-Committee » of the Nova Scotia Joint Labour-Management Study Committee which would concentrate, at the beginning, specifically on the problems of the construction industry. The thinking of the Cape Breton conference members about more effective arbitration procedures and resources for the reduction and ; in time, the elimination of wildcat

strikes is in line with the approach being taken by the Sub-Committee under 1. above. Good labour-management relations are viewed by both parties in Cape Breton as essential to the objective of attracting new industry to the area.

PUBLIC INFORMATION AND EDUCATION

The record here has been relatively weak, partly because of the slow and uncertain nature of the process of communication and partly because of the sheer pressure of time upon all involved in the Joint Study Committee.

In the early years following the First Agreement (1962), considerable attention was paid by both labour and management organizations to the Agreements and the new approach represented by them. The Nova Scotia Federation of Labour held five regional conferences which were conducted by the Federation officers directly involved. The Nova Scotia Branch, Canadian Manufacturer's Association, the Construction Associations, the Halifax and other Boards of Trade and some trade organizations, such as three fishing industry associations, held special meetings or set up special committees to study the Agreements both before and after endorsement. The news media conveyed to the public considerable information about the then novel « experiment ». In recent years, while the Joint Study Committee members have been working as hard as ever, if not harder in some cases, the free publicity ride of newness is no longer available. Results are less spectacular in an area where conflict creates better news than the slow resolution of problems and the creation of new machinery to deal with them.

The proposed regional meetings, beginning on request in Cape Breton, were decided upon in 1967 as a step toward informing a broader range of involved persons as well as the general public.

Recently, the Joint Labour-Management Study Committee members have endorsed and agreed to assist in a proposal by a staff member of the Institute of Public Affairs to prepare, during sabbatical leave, a descriptive account to promote understanding of modern labour-management relations on the part of adult and student groups, supervisors and foremen, and the interested citizen.

It remains to be seen what further steps are necessary to maintain momentum and to extend knowledge of the Nova Scotian labour-management approach in an atmosphere dominated by news of continued

industrial conflict, occasionally in Nova Scotia, and by traditional approaches still generally prevalent elsewhere in Canada and the United States.

Labour-Management-Government Communication

Under the First Agreement, labour and management representatives in Nova Scotia undertook a twofold task :

1. To maximize internal self-regulation in industry and business (to « see if it is possible to arrive at a basic agreement . . . »)
2. To seek to minimize legislative controls upon the labour-management relationship (under the moratorium on separate « appeals to the Legislature »)

By contrast with several of the joint committees subsequently established in other provinces, the Nova Scotia Joint Labour-Management Study Committee is not a legislative review committee advisory to the provincial government. Its prime objective is to maximize internal self-regulation. Before it could concentrate on this objective, however, its members had to concern themselves with pressing issues and irritants associated with the Nova Scotia Trade Union Act in 1962 and subsequently. If the moratorium were to be kept in effect, the Committee had to accomplish results within a limited period of months and years because of pressures, particularly on the labour side, with respect to such then active problems as unfair labour practices affecting unorganized workers and « successor rights ».

In other words, the Nova Scotia Joint Study Committee was to seek ways of enabling labour and management themselves to put their own house in order, and to avoid the « straight-jacket » of restrictive legislation against which Judge McKinnon had warned them. The original concept was that labour and management representatives might find means of reaching consensus and making joint representations for consideration of the Government and Legislature. This plan has indeed worked satisfactorily. In practice, however, the need for another type of three-way communication, involving response by the Joint Study Committee to problems encountered by Government, has arisen. This three-way process has been, at times, a source of considerable difficulty. At the present time (mid-1968) all three parties are taking a fresh look at the experience of the past six years, with a view to having a clearer definition of the feasible areas and methods of tripartite communication.

The Joint Study Committee's relationships with Government during the past six years appear to fall into three categories :

1. Three-way communication initiated by the Joint Study Committee ;
2. Three-way communication initiated by Government ;
3. Request that the Joint Study Committee act as Labour-Management Advisory Council to the Voluntary Planning Board.

Each of these will be dealt with in turn.

THREE-WAY COMMUNICATION INITIATED BY THE JOINT STUDY COMMITTEE

The procedures outlined in Section 6(3) above appear to be working satisfactorily.

At the beginning, in January 1963, the Joint Study Committee members waited upon the Provincial Cabinet in order to present their initial brief requesting changes in the Nova Scotia Trade Union Act. Subsequently, an exchange of letters with the Premier of the Province formalized a channel of communication between the Joint Study Committee and the Minister of Labour (and also, at that time, two other Cabinet members associated with him as a Cabinet Liaison Committee).

THREE-WAY COMMUNICATION INITIATED BY GOVERNMENT

Indications of the desire of governmental authorities to call upon the Joint Study Committee for advice and assistance with respect to problems experienced by government were received from the inception of the Joint Study Committee. In taking a helpful informal interest at the beginning in 1961 and 1962, the Department of Labour said that it would welcome opportunities for consultation on a reciprocal basis. A Select Committee of the Nova Scotia Legislature, after examining Judge McKinnon's recommendations and visiting several European countries in late 1962, welcomed the setting up of the Joint Study Committee and endorsed the desirability of joint labour-management-government consultation « when changes in legislation are being contemplated ». Similar statements emanated from the Cabinet at the time.

Minimum Wages, Vacation Pay, and Labour Standards Legislation

Difficulty arose first in early 1965 when representatives of the Province consulted the Joint Study Committee at the time of issuing the

first regulations under a Minimum Wage Act passed the previous year. The representatives of the Province outlined to Joint Study Committee members the draft regulations prior to their publication but, while some individual views were expressed, the Joint Study Committee made clear that it could take no position with respect either to minimum wage rates or to several other contentious provisions. The latter included exemption of union contracts containing rates below the new minimums and, also, the application of overtime and call-up requirements to employees generally, and not only to employees at minimum wage levels under the Act. Both employers and unions objected, for different reasons, to different parts of the new regulations. A public statement at the time of announcement of the new regulations indicated that the Joint Study Committee had been consulted by the Province. On both sides objections were raised that the Joint Study Conference members should have agreed to the new regulations without calling a special Joint Study Conference or referring the matters to labour and management organizations, or both. To clarify any ambiguity, the Joint Study Committee issued a news release making clear that it had offered no advice and taken no position on the matters at issue. (Later the regulations were changed, but that is beside the point.)

The crisis precipitated by the procedure in connection with the minimum wage regulations sharpened certain questions. Employer members of the Joint Study Committee objected, now that the moratorium was in effect, to unilateral labour requests to Government to pass laws and regulations causing changes in existing collective agreements between unions and employers. Was not this contrary to the spirit and intent of the moratorium and the first Agreement, in which both parties undertook to minimize legislation and maximize self-regulation, and to make joint approaches to government if possible?

The labour position was that lack of unionization of the majority of workers in Nova Scotia left them open to exploitation. For years labour had been pressing governments to enact labour standards legislation to protect the unorganized as well as to safeguard unionized members from unfair competition. Did not such legislation protect employers, also, such as those now dealing with unions and subscribing to the Agreements, from unfair competition on the part of employers whose workers were not unionized and so were more liable to exploitation?

The issue arose again in acute form a year later (1966) when the Government indicated its intention to extend the provisions of the Vacation Pay Act. After another round of intensive discussions, a consensus was reached, according to the understanding of the present writer, along the

following lines : The bulk of unionized members are at or above the levels set by labour standards legislation ; in fact, unionized industries tend to lead and set standards. In the modern state, governments are going to act to bring up standards among the rearguard of workers through labour standards acts and regulations as a form of social legislation. Some collective agreements, but only a limited number, will be affected in this way. Such social legislation is outside the terms of reference of the Joint Study Committee and Conference.

The further discussions among Joint Study Committee members and organizations on each side led to an understanding that the moratorium applied only to the Nova Scotia Trade Union Act (as specified in Point 1 of the First Agreement). In the spring of 1966, by agreement, certain labour and employer organizations presented to the Province separate briefs on labour standards issues. In November 1966, the Fifth Joint Labour-Management Study Conference recognized the situation by the following Agreement : ⁽⁸⁾

Moratorium Extension, Labour Standards, and Goals

« Labour and management recognize that the government may take action, on its own initiative, to set minimum standards as to wages, working conditions, and fringe benefits for the purpose of fixing levels of certain workers. Although labour and management should consult as much as possible and seek joint action on all matters of common interest, the moratorium with respect to separate approaches to Government applied only to the Nova Scotia Trade Union Act. In all parts of the economy, free collective bargaining should continue to operate.

« The essential purpose of the Joint Labour-Management Study Committee will continue to be :

- « 1. To work intensively on problem areas in the relationships between labour and management themselves, with a view to establishing basic codes of policies and practices, and, in order to accelerate this process, that necessary funds and staff be sought.
- « 2. To continue to examine all approaches to closer union and management action on legislative matters, under the moratorium on separate approaches to Government with respect to the Nova Scotia Trade Union Act.
- « 3. To explore, in general, the common interest of labour and management in relation to the economy of Nova Scotia. »

⁽⁸⁾ *The Fifth Nova Scotia Labour-Management Agreement* (Halifax, N. S. : Institute of Public Affairs, Dalhousie University, 1966).

Illegal or « Wildcat » strikes

A new phase of labour-management-government communication arose in 1967-68. Despite the basic improvements in labour-management relationships in Nova Scotia as a result of the Agreements, the national and international phenomenon of so-called « wildcat strikes » became a special problem in Nova Scotia for at least two reasons :

- 1) The notoriety associated with an unusual series of wildcat strikes in a major construction project over a two-year period ;
- 2) Provincial and Federal investment, directly as well as indirectly through the infrastructure, in productive enterprise for the purpose of economic development in Nova Scotia.

As 1967 passed, indications of public and official concern about wildcat strikes and the damage done by them to the « industrial image » and economy of Nova Scotia were not lacking.

In January 1968, a number of draft amendments under consideration in the Department of Labour were transmitted to members of the Joint Study Committee. The draft amendments dealt with « prohibited strikes » during the life of a collective agreement, the enlargement of the Nova Scotia Labour Relations Board (which would have certain new powers to deal with « prohibited strikes »), certification in the construction industry, and certain other matters of substance as well as certain matters of technical and administrative detail. Discussions took place between the administrative head of the Department and the Joint Labour-Management Study Committee. In late winter, the Government sponsored amendments to the Nova Scotia Trade Union Act which were enacted by the Legislature.

Once more the Joint Study Committee members experienced difficulties in responding to proposals emanating from government sources. These difficulties stemmed in particular from problems of time and confidentiality.

As to the problem of time, about 1964 or 1965 some members of the Joint Study Committee began to express confidence that, given sufficient time, they could work out agreements on any or practically any of the operating problems experienced by one side or the other under current conditions. It was recognized, however, that months, and sometimes many months extending into a year or more, were needed for purposes of communication, fact-finding, and the exploration of alternatives within the Joint Study Committee itself them, of course, agreement within

the Joint Study Committee requires approval by a Joint Labour-Management Study Conference ; and, later, communication of the agreement and its endorsement by organizations on both sides were essential to the process. How, then, can the Joint Study Committee respond in a brief period to problems presented to it from time to time by government, which itself has to respond to the thrust of unforeseen events and act as it deems fit in the public interest ? As to the problem of confidentiality associated with problems received from government, how can members on both sides of the Joint Study Committee function properly if they are unable to consult with legal and other technical advisors as well as with colleagues ?

It may be said that all three parties (labour, management and government) recognize that they are endeavouring to maximize internal self-regulation in industry. The aim is to reverse the historical trend toward the legislative straight jacket, of which Judge McKinnon warned, in favour of the atmosphere and approach which have now come into existence in Nova Scotia after six and one-half years. There is no precedent to be found in other Provinces or in States to the south. Indeed, much in the North American climate and many of the outside practices and pressures affecting both sides of industry in Nova Scotia are negative, if not antagonistic, toward the Nova Scotian effort « to arrive at a basic agreement which will outline the scope with which the future relationships will be contained ». The problems which have been experienced under such circumstances of labour-management-government communication are at present the subject of frank consideration and discussion among the three parties.

The following excerpt from the statement of the Minister of Labour, to the Cape Breton Regional Labour-Management Conference in early July 1968, deals directly with the realities and defines the approach of Government at the present time :

« ... Since my appointment as Minister of Labour, I have been impressed by the spirit of co-operation which has existed between management and labour through the medium of the Joint Labour-Management Study Committee. Since the formation of this Committee, which was established under the auspices of the Institute of Public Affairs of Dalhousie University, the Government has not been faced by separate approaches by labour and management, through legislative briefs, to make amendments to the Trade Union Act. The amendments to the Trade Union Act that have been made since the formation of the Joint Labour-Management Study Committee have, up until this year, been made at the joint request of labour and management through

the medium of the Joint Labour-Management Study Conference. « Prior to the last session of the Legislature, the Government felt that certain amendments should be made to the Trade Union Act to curb wildcat strikes in the Province.

« Other amendments were also considered to be desirable. A speed-up in the certification procedure for unions in the construction industry ; the elimination of the check-off vote, and the establishment by statute that once a trade union is voluntarily recognized by the employer it has the same rights and privileges as a certified bargaining agent. « Rather than make an unilateral decision on the proposed amendments, introduce them in the House of Assembly, and then have a formal hearing before the Law Amendments Committee, the Government elected to have the proposed Bill discussed with the Joint Labour-Management Study Committee.

« I realize that by virtue of the set-up of the Committee, it is not possible for them to give formal approval to amendments to the Trade Union Act submitted by the Government unless there is sufficient time for them to request endorsement from the organizations which the Members of the Committee represent. However, if we are to move forward, and I am sure we will, we will have to develop ways and means whereby the Joint Labour-Management Study Committee can effectively speak for labour and management in the Province. We in the Department of Labour want to establish a formal relationship with the Joint Labour-Management Study Committee as the organization representing labour and management in the Province to whom we can look for guidance and advice not only in the legislative field, but in all areas in the field of collective bargaining. In this very complex field, and in view of current developments, we cannot expect that labour and management on their own initiative can solve all the problems. I think it has to be a tri-partite effort.

« Because of the moratorium that has been imposed by the Joint Labour-Management Study Committee on separate approaches to amendments to the Trade Union Act, if we had Utopia, or if on the other hand, the Government in power has inertia, the only amendments that would be made to the law would be on the joint application of labour and management.

« We have to face facts. Government from time to time will propose amendments to the Trade Union Act which are considered to be in the public interest. At the same time, we welcome a joint approach by labour and management with respect to amendments. To my way of thinking it has to be a two-way street.

« More effective ways of communication have to be worked out between the Government and labour and management. We look to the ingenuity of the Members of the Joint Labour-Management Study Committee to work out the ways and means whereby Government can effectively communicate with labour and management through the medium of the Committee . . .

« I would like to congratulate the Joint Labour-Management Study Committee upon its progress. Through its efforts the whole climate of labour-management relations in the Province has improved materially since its establishment. I am sure you want to go forward, and I think your progress is essential to the future of our Province. »

To sum up, all three parties are now taking stock of the experience of the past six years and are preparing to make a fresh approach to the conditions of labour-management-government communication concerning matters initiated by government.

REQUEST OF THE VOLUNTARY PLANNING BOARD TO THE JOINT STUDY COMMITTEE TO ACT AS ITS LABOUR-MANAGEMENT ADVISORY COUNCIL

The Joint Labour-Management Study Committee members accepted in 1965 the invitation of the Nova Scotia Voluntary Planning Board, associated with the Provincial Department of Finance and Economics, to be the labour-Management Advisory Council of « VEP ». All concerned felt that, from the practical point of view, there was no point in setting up a new group which would tend to duplicate in several ways the Joint Study Committee. The Joint Study Committee members accepted the invitation with the clear understanding that the Committee would continue its independent existence, and that its function as an Advisory Council to VEP would be incidental to its established objectives.

The Joint Study Committee presented at the request of the Voluntary Planning Board two reports or reviews which were incorporated in the reports of 1966 and 1968 of the Voluntary Planning Board.

Suggestions coming to the Joint Study Committee in early 1965 from the Government and the Voluntary Planning Board that the Committee interest itself in problems of technological change (« automation ») were welcomed by the Committee, which had recently recommended endorsement of the approaches being taken by labour and management in the Eastern Canada Newsprint Group. These suggestions stimulated and assisted the Joint Study Committee in setting up the Sub-Committee which produced the report on *Automation and Worker Displacement*, which has been described above.

Conclusion: Current issues and directions

Six years experience since 1962 has shown conclusively that, in the current social framework, labour and management in Nova Scotia have the joint capability of resolving many of their internal operating problems

and improving their relationships. They have also been able, in consultation with government, to untangle some of the knots in the historical skein of laws which, as Judge McKinnon warned, can become a straight jacket preventing internal self-regulation and restricting industrial freedom.

Motivated by strongly held convictions on both sides concerning the objectives of self-regulation, they have demonstrated the practicality of a process of communication with respect for each other's role, in an atmosphere of detachment and with university assistance⁽⁹⁾ in the communication process and in the establishment of facts for joint working purposes.

Most important from the broad view was the discovery, after 1962, that labour and management, in the Joint Study Committee meetings and the yearly Conferences, as well as in their other normal contacts, can find enough common ground, through a rational approach and improved communication, themselves to work out solutions to many of their problems.

The formation of their own machinery of joint consultation and joint action, their declaration (however general) of mutual acceptance, the symbol of the moratorium, and their ability to remove many causes of irritation and discord, in legislation and otherwise, have led to a lessening of tension and hostility. In turn, without impairment of the system of hard collective bargaining, employers and unions have been able to communicate more freely and even creatively about their common interests within the enterprise and within the economy. In the absence of an objective and scientific survey, any participant or observer can express only a subjective impression. Evidence is not lacking, however, from knowledge of specific events within plants and enterprises after the First Agreement, and from other activities of the Joint Labour-Management Study Committee and the yearly Conferences, as well as from

⁽⁹⁾ The past and possible future role of the Institute of Public Affairs, Dalhousie University, deserves extended treatment beyond the scope of this paper. In essence, it has involved the providing of an atmosphere of detachment for communication, learning, fact-finding, and the appraisal of alternatives, and also of certain resources to assist in these processes on the part of a group of responsible, sophisticated persons with diversity of qualifications through training and experience. Such a role is somewhat unusual in the Canadian university tradition. In a real and, one hopes, not a jargonistic sense, the Joint Labour-Management Study Committee has been a « knowledge » enterprise of leading labour and management representatives seeking solutions to major problems of industrial life which they can carry outside and translate into action.

statistical evidence with respect to industrial disputes, that labour and management in Nova Scotia entered in 1962 a period of relatively creative communication with respect to their problems and common interests. There seems to be reasonable ground for the belief, and even a measure of confidence, that this will be a lasting phenomenon rather than a transient experience.

A number of interesting tasks and provocative questions lie ahead for the Nova Scotia Joint Labour-Management Study Committee as it pursues the course on which it set out a number of years ago (assuming no sudden shift or disruption in this course). Among these tasks are the following :

1. The Joint Study Committee has had a consistently satisfactory experience in working on the internal problems in the relationships between the two parties in unionized industry and business. The Committee's members have, however, been able to give only a lesser fraction of their time to their principal objective of maximizing self-regulation and of seeing "if it is possible to arrive at a basic agreement" between the two parties in that substantial part of business and industry in Nova Scotia in which employers and unions are now dealing with each other. For the first several years after 1962, the Committee's work on problems of the Nova Scotia Trade Union Act, as well as on their joint operating interests, did enable them to clear away the underbrush and work out what are really initial parts of a basic agreement. The extent of this accomplishment to date is not, perhaps, fully realized even by those taking part. The Joint Study Committee has had, however, to continue giving a major part of its time to ancillary and vexing problems thrust into its lap, some of which might be considered extraneous to its main objectives, such as those arising in the non-unionized portion of industry and business and, particularly of late, those arising from labour-management relations in the public sector. It is to be noted that employers in the so-called public sector (that is, federal, provincial and municipal governments) are not represented on the Joint Study Committee, whose scope was originally conceived to be the private sector but hardly to include the public sector. Under the moratorium, the Joint Study Committee has found it necessary, for several reasons, to concern itself with issues arising from the non-unionized portion of the private sector and from unionization progressing rapidly in the public sector. The moratorium on separate appeals

for legislative change placed general obligations upon the Joint Study Committee which, in view of the problem of limited numbers and of duplication should another Committee be set up, could not be transferred to others. In short, because of the several kinds of responsibility and activity (certain of them unanticipated) which it has had to undertake, the Joint Study Committee has difficulties in selection and concentration upon the identified interests and concerns of organized labour and management in the private sector.

2. The Joint Labour-Management Study Committee and Conference members have been feeling their way through the question of whether their aim is to develop « a code of principles and practices » of educational value and general guidance in labour-management affairs, but without internal sanctions, or whether the need is coming for possible new structures, as for Province wide bargaining in the construction industry, for example. Given the emergence of such possible new structures, the questions of employer organization and of union jurisdictions come naturally to the forefront.
3. The special efforts now being made to improve voluntary internal arbitration resources, and perhaps utilize « within-industry teams », as well as to initiate communication with new employers entering the province, have a two-fold objective : (a) to reduce the damages and pressures from wildcat or illegal work stoppages which have been occurring mainly in certain new construction projects, and as soon as possible to eliminate them ; and (b) to provide effective new resources, supplementary to those of the public authorities, for use by the two parties in the major portion of the Nova Scotian economy in which definite improvements have been brought about under the Agreements.
4. Resources and methods have to be found for extending the processes of communication beyond the limited number of persons on both sides in the Joint Labour-Management Study Committee and its sub-committees. The proposed new Regional Conferences, with which a successful beginning was made in Cape Breton in July 1968, will involve larger numbers of key employer and union representatives throughout industry and business in Nova Scotia. Even beyond them, however, as Crispo pointed out in 1964, is the necessity of reaching the « grass roots » of foremen, shop stewards and the whole range of responsible persons on both sides. Still

further, and not less important, is the task of conveying to students, new workers and the general public a better understanding of modern labour-management relations, in keeping with the Agreements, and of overcoming the difficulty which stems from the outmoded and crude notions about labour-management relations which are still prevalent. Related to the need for wider participation is the standard problem of drawing in new blood for the work of the Joint Study Committee, its Sub-Committees and Conferences after six years of demanding effort on the part of those principally involved up to now.

5. The question of staff, resources and finance for the continuing and increasing program of the Joint Labour-Management Study Committee and yearly Conference remains to be settled after considerable discussion for the past two years or more. Certain critical remarks were proffered, at the Cape Breton Regional Conference in July 1968, by the Minister of Labour, who indicated the willingness of the Government to share in a planned approach on the part of labour and management organizations. The general question of staff, resources, and finance, in the context of the objectives and inter-relationships of the parties, is under active consideration.
6. An unknown factor is the future influence upon Nova Scotia of possible, or perhaps probable, new governmental controls (more likely federal but perhaps provincial, also) upon the economy, such as public review of wage and price increases, and related measures; and a general North American tendency toward legislative controls in collective bargaining along the lines described in the McKinnon report of 1962 (for example, legislative control of the introduction of technological change instead of the more flexible « Nova Scotia red book » approach placing greater responsibility on both parties and assuming greater maturity and competence on their part).

In general, social innovations, like other new enterprises, survive according to their responses to unexpected problems and to crises. The Nova Scotia Joint Labour-Management Study Committee has survived and developed because of its ability to meet the tests of new problems and recurring crises from 1962 to mid-1968. Its future role depends upon the continuing capability of its members to meet new difficulties in the same way and to shape labour-management relationships along the line of the objectives set out in the First and subsequent Agreements.

LES CONVENTIONS COLLECTIVES EN NOUVELLE-ÉCOSSE

INTRODUCTION

Depuis 1962, il existe en Nouvelle Écosse un comité mixte patronal-ouvrier d'étude sur les problèmes de relations de travail. Notre objectif ici est de présenter ce comité en expliquant ses origines, en commentant ses réalisations, ses méthodes de travail et ses objectifs.

LES GOUVERNEMENTS ET LES RELATIONS DE TRAVAIL

A tous les niveaux, les gouvernements sont susceptibles de s'intéresser aux relations de travail pour les raisons suivantes :

- 1.—le maintien d'un climat et intervention en cas de crise ;
- 2.—l'établissement des politiques;
- 3.—l'évolution de différents champs d'activité du gouvernement ;
- 4.—la syndicalisation des services publics ;
- 5.—l'influence sur la démocratie.

LA SIGNIFICATION DES ENTENTES

La première conférence dans cette province date du 20 novembre 1962. Depuis ce temps, on rencontre deux types d'attitudes de la part des praticiens et des étudiants en relations industrielles au sujet de cette expérience :

- 1.—une attitude plutôt indifférente ;
- 2.—une attitude plutôt romantique.

Cependant il faut reconnaître que ces accords produisent quelque chose de concret :

- 1.—l'engagement des hommes d'affaires dans la solution des problèmes ;
- 2.—des changements d'attitudes chez les partenaires à la négociation ;
- 3.—une contribution à la solution des principaux problèmes juridiques ;
- 4.—une influence dans les autres provinces canadiennes ;
- 5.—reconnaissance de l'existence du comité aux États-Unis et en Suède.

LA NOUVELLE APPROCHE DE 1962 : UN PEU D'HISTOIRE

Au début des années '60, il y avait un besoin réel de renouveau en relations de travail. Une série d'influences externes et internes amenèrent la formation du comité d'étude de 1962. Ces facteurs sont autant le désir de calmer la situation de tension existante à la fin des années '50 que la volonté de suivre le mouvement de renouveau propre au domaine du travail canadien.

LE COMITÉ D'ÉTUDE

Le comité mixte est composé de quatre représentants de chacun des deux partenaires et a comme mandat :

- 1.—d'identifier les problèmes et de présenter de nouvelles politiques ou pratiques dans le domaine des relations industrielles ;
- 2.—d'évaluer les conséquences du rapport McKinnon sur la législation ouvrière de la Nouvelle Écosse ;
- 3.—de conseiller l'institut de son rôle dans ce domaine.

QUELQUES FAITS

Passant de 8 à 16 membres dont deux de l'Institut des affaires publiques de l'université de Dalhousie, le comité débuta en 1962 une tradition à savoir des conférences provinciales annuelles mixtes sur les problèmes du travail. C'est à ces conférences :

- 1.—que les partenaires s'entendent sur des objectifs généraux ;
- 2.—qu'on s'accorde sur les implications juridiques ;
- 3.—qu'on s'entend sur les relations patronales-ouvrières internes ;
- 4.—que l'accent est mis sur l'information publique et l'éducation.

LES PATRONS, LES OUVRIERS ET LE GOUVERNEMENT

Les relations entre le comité et le gouvernement peuvent être classifiées en trois catégories :

- 1.—la communication est initiée par le comité ;

Il s'agit d'un échange de correspondance débuté en 1963 entre le comité et le ministre du travail.

- 2.—la communication est initiée par le gouvernement ;

Le gouvernement demande l'avis du comité en vue de solutionner des problèmes épineux tels le salaire minimum, les congés payés, les grèves sauvages et illégales.

- 3.—demande de la part du « Voluntary Planning Board » au comité mixte d'agir comme conseil consultatif patronal ouvrier.

CONCLUSION

Les six dernières années d'expérience en Nouvelle Écosse ont prouvé que les partenaires à la négociation collective sont capables de régler conjointement quelques-uns de leurs problèmes internes et d'améliorer leurs relations. Le comité a également pu faciliter le jeu des partenaires à l'intérieur du cadre juridique et ce en consultant le gouvernement.